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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,632	03/28/2001	Kenji Morita	041465-5102	1731

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EXAMINER	
EDWARDS, PATRICK L	
ART UNIT	**PAPER NUMBER**
2621	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/818,632	MORITA ET AL.	
	Examiner	Art Unit	
	Patrick L. Edwards	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,5 and 8-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,5 and 8-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *08-31-2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07-22-2005 has been entered.

Response to Arguments

2. Applicant's arguments filed on 07-22-2005 have been fully considered. A response to these arguments is provided below.

35 USC 112(1) Rejection

This rejection was withdrawn in the advisory action.

Prior Art Rejections

Summary of Argument:

1. Applicant's arguments are directed toward the application of the Okada reference to the amended claim limitations of claims 1 and 5. Applicant alleges that the Okada reference does not teach determining whehter the static information is being read or the moving information is being read. Specifically, applicant argues that the 'specified area' and the 'motion area' from Okada, both refer to moving images (i.e. there is no reference to a static image). (see remarks pg. 8).

Examiner's Response:

1. Applicant's arguments have been fully considered but are unpersuasive. As was aptly stated by the applicant, Okada discloses a 'specified area' and a 'motion area.' The 'specified area' is not associated with any motion. This is clear on its face. Thus, the 'specified area' is a static image and meets the required limitations of the claim. Applicant advances arguments on pg. 9 of the 'remarks' which refer to limitations not from the claims, but from applicant's specification. Applicant is respectfully reminded that claims are given their broadest reasonable interpretation, and that limitations from the specification are not read into the claims (see MPEP 2144).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Okunoki (USPN 5,808,682) and Okada (USPN 5,729,295).

With regard to claim 1, which is representative of claim 5, Chida discloses an image information storing device for storing a plurality of static image information and a plurality of moving image information (col 7 line 15 – col 8 line 24). The combination of the frame buffers 165 and 166 disclosed in Okunoki is analogous to image information storing device as recited in the claim in that the frame buffer 165 contains moving image information and the frame buffer 166 contains static image information. The moving picture data disclosed in Okunoki is analogous to the moving image information recited in the claim. The background picture disclosed in Okunoki is analogous to the static image information recited in the claim.

Okunoki further discloses that the moving picture data comprises frames of data (col 7 lines 15-23), which are analogous to the element static image information (or the static image data which form a moving image) as recited in the claim.

Okunoki further discloses that each of the element static image information is smaller than the static image information (Figure 8a). The foreground picture 31 disclosed in Okunoki is the moving image information and the background picture 30 is the static image information. Figure 8a of Okunoki clearly shows the moving image information to be smaller than the static background information.

Okunoki further discloses an image processing device for reading the static image information and the moving image information from the image information storing device to perform image processing and generate processing information to be displayed (col 8 lines 6-54 in conjunction with Figure 7).

Okunoki further discloses enlarging the moving image information without enlarging the static information (Okunoki col 9 lines 15-30), but does not expressly disclose a device for determining whether the static image information is being read or the moving image information is being read. Okada, however, discloses a device for determining whether or not the image information being read is static or moving (Okada col 3 lines 12-19). The background area disclosed in Okada is analogous to the static image information as recited in the claim.

It would have been obvious to one reasonably skilled in the art at the time of the invention to modify Okunoki's image processing apparatus by including a determining device that determines whether or not the image information being read is static image information or moving image information as taught by Okada. Such a modification would have allowed for a system that could differentiate between the two types of image information and avoid any misprocessing of the image information

5. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okunoki as applied to claims 1 and 5 above, and further in view of Takeuchi (USPN 5,990,860). The arguments as to the relevance of Okunoki as applied in paragraph 3 above are incorporated herein.

With regard to claim 4, which is representative of claim 8, Okunoki fails to expressly disclose that the static image corresponding to the static image information is a static image used for selecting functions in an image processing apparatus. Takeuchi, however, discloses an image processing apparatus in which still images are used for selecting different functions (Takeuchi col 11 lines 33-39). It would have been obvious to one reasonably skilled in the art at the time of the invention to modify Okunoki's image processing apparatus by including the use of the static image information to select image processing functions as taught by Takeuchi. Such a modification would have allowed for an interactive multimedia system in which a still image displayed on a monitor could be used to select image processing functions. This would have increased user operability of the system.

With regard to second limitation of the claim, Takeuchi further recites that the moving image corresponding to the moving image information is displayed while one static image corresponding to one static image information is being changed to another static image corresponding to another static image information (Takeuchi col 13 line 58 – col 14 line 15 in conjunction with Figure 10). The left side window shown in Figures 10a-b shows one static image corresponding to one static image information being changed to another static image corresponding to another static image information. It would have been obvious to one reasonably skilled in the art at the time of the invention to modify Okunoki's image processing apparatus by including the simultaneous display of the moving image information and the changing of the static image information. Such a modification would have allowed for a more interactive system in which moving pictures could be displayed while static images changed according to static image information.

6. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okunoki and Okada as applied above and further in view of Crosby (USPN 5,223, 493). The arguments as to the relevance of the aforesaid combination as applied above are incorporated herein.

Clams 9 and 11 call for the performance of image processing so that the static images and the moving images are sequentially displayed. The Okunoki reference fails to expressly disclose this additional limitation. Crosby, however, performs image processing such that the static images and the moving images are sequentially displayed (Crosby col. 11 lines 26-37). It would have been obvious to one reasonably skilled in the art at the time of the invention to modify Okunoki's image processing apparatus by performing processing that allows the static images and the moving images to be sequentially displayed. Such a modification would have added a different element to the system which would have resulted in a more powerful display technique capable of complex imaging at visually acceptable display speeds (Crosby col. 2 lines 25-27).

7. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okunoki and Okada as applied above and further in view of Chase et al. (USPN 6,529,214). The arguments as to the relevance of the aforesaid combination as applied above are incorporated herein.

Referring to claims 10 and 12, Okunoki fails to expressly disclose performing image processing so that the size of a static image becomes equivalent to the size of a moving image (i.e. 'element static image'). The chase

reference, however, discloses displaying a graphics image with a background image such that the background image is sized to be displayed as the same size as the graphics image (chase col. 2 lines 40-44). The 'sizing' of the background image disclosed in chase is a form of image processing. It would have been obvious to one reasonably skilled in the art at the time of the invention to modify Okunoki's image processing apparatus by performing processing so that the foreground and background images become the same size as taught by chase. Such a modification would have allowed for a way of equating the sizes of the two images so that they can be displayed together in a given display area (chase col. 2 lines 40-49).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick L Edwards whose telephone number is (571) 272-7390. The examiner can normally be reached on 8:30am - 5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick L Edwards Art Unit 2621

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ANDREW W. JOHNS
PRIMARY EXAMINER